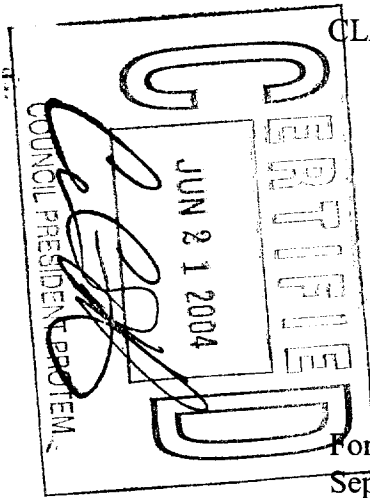


Entered - 10/22/02 - sb  
CL02L0752 - DIANNE C. MITCHELL

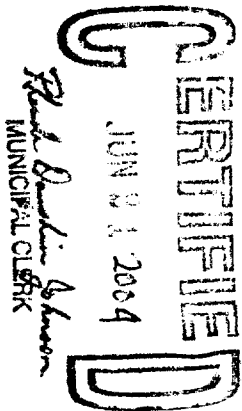
CLAIM OF: **THE HARTFORD AS SUBROGEE  
OF PATCHWERK, INC.,  
through its attorney,  
Peter W. Vogt  
11520 N. Community House Road  
Suite 200  
Charlotte, North Carolina 28277**

**04-R-1079**



For damages alleged to have been sustained as a result of flooding on  
September 21, 2002 at 1194 Hemphill Avenue, NW.

THIS ADVERSED REPORT IS APPROVED



BY: \_\_\_\_\_

**JERRY L. DELOACH  
DEPUTY CITY ATTORNEY**

ADVERSED BY  
CITY COUNCIL JUN 21 2004



## OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

July 1, 2004

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

Peter W. Vogt  
Attorney at Law  
11520 N. Community House Road  
Suite 200  
Charlotte, NC 28277

04-R-1079

RE: The Hatford as subrogee of Patchwerk,  
Inc.

Dear Attorney Vogt:

I sincerely regret that your client has been adversely affected by the circumstances raised in his/her claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your client's claim at its regular meeting on June 21, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Yours very truly

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 02L0752

Date: May 26, 2004

Claimant /Victim THE HARTFORD AS SUBROGEE OF PATCHWERK, INC.  
BY: (Atty) Peter W. Bogt  
Address: 11520 N. Community House Road, Suite 200, Charlotte, NC 28277  
Subrogation: X Claim for Property damage \$ 100,000.00 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 10/22/02 Method: Written, proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 09/21/02 Place: 1094 Hemphill Avenue, NW  
Department Watershed Management Bureau: Storm Water  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges its property was damaged due to flooding on the above date. The investigation determined that the City had no notice of any problems with the storm sewers prior to the date of the claimant's incident. Furthermore, it was determined that the flooding was due to a rain event, for which the City is not liable pursuant to O.C.G.A. §36-33-1.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures \_\_\_\_\_ Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other \_\_\_\_\_  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - DIANNE C. MITCHELL

### RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_ 2P01 \_\_\_\_\_  
Claims Manager:  Concur/date 06/03/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5810  
6/21/04  
1:50 PM

Atlanta City Council

Regular Session

CONSENT I                    CONSENT I PG 1-15 EXCEPT 04-O-1110 -1098  
                              O-1100 O-1109 O-1104 R-1145 R-1144  
                                      ADOPT

YEAS:    13  
NAYS:    0  
ABSTENTIONS: 0  
NOT VOTING: 0  
EXCUSED: 0  
ABSENT    2

Y Smith	Y Winslow	Y Shook	Y Martin	Y Mitchell
Y Starnes	Y Archibong	Y Muller	Y Maddox	Y Norwood
Y Young	Y Fauver	Y Moore	B Mosley	B Willis

CONSENT I

6-21-04 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1016 2. 04-O-1009 3. 04-O-1117 4. 04-O-0795 5. 04-O-0919 6. 04-O-0914 7. 04-O-1064 8. 04-O-1101 9. 04-O-1118 10. 04-O-0987 11. 04-O-0990 12. 04-O-1116 13. 04-O-0662 14. 04-O-0663 15. 04-O-0664 16. 04-O-1018 17. 04-O-1106 18. 04-O-1112 19. 04-O-1113 20. 04-O-1119 21. 04-O-0785 22. 04-O-1007 23. 04-O-1103 24. 04-R-1022 25. 04-R-1043 26. 04-R-1047 27. 04-R-1020 28. 04-R-1035 29. 04-R-1051 30. 04-R-1052 31. 04-R-1053 32. 04-R-1111 33. 04-R-1056 34. 04-R-1107 35. 04-R-1088 36. 04-R-1092 37. 04-R-1093 38. 04-R-1094 39. 04-R-1095 40. 04-R-1096	41. 04-R-1066 42. 04-R-1067 43. 04-R-1068 44. 04-R-1069 45. 04-R-1070 46. 04-R-1071 47. 04-R-1072 48. 04-R-1073 49. 04-R-1074 50. 04-R-1075 51. 04-R-1076 52. 04-R-1077 53. 04-R-1078 54. 04-R-1079 55. 04-R-1080 56. 04-R-1081 57. 04-R-1082 58. 04-R-1083 59. 04-R-1084 60. 04-R-1085 61. 04-R-1086 62. 04-R-1087 63. 04-R-1089 64. 04-R-1090 65. 04-R-1091